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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,809

11/19/2003

Philip E. Bradbury

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6765

34431 7590 11/26/2007  
HANLEY, FLIGHT & ZIMMERMAN, LLC  
150 S. WACKER DRIVE  
SUITE 2100  
CHICAGO, IL 60606

EXAMINER

PETERSON, KENNETH E

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

11/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/716,809

Applicant(s)

BRADBURY, PHILIP E.

Examiner

Kenneth E. Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17, 22-27 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 22-27 and 55-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

1. Applicant's appeal brief, received 09 October 07, has been found unpersuasive. In an appeal conference on 14 November 07, Expert Patent Examiner Ken Peterson, Supervisory Patent Examiner Boyer Ashley and Special Program Examiner Allan Shoap agreed that the Dotta reference read on all claims under 35 USC 102b. Simply put, the blades (4) of Dotta are *capable* of cutting off thin strips fed thru the machine, and thus it is reasonable to call them "cut-off blades".

However, since there are even better rejections to be made, it was deemed best to present the below rejection prior to the appeal process. Accordingly, prosecution is hereby reopened as follows.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17, 22-27 and 55-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Yahara (4,027,564), who discloses; first ram (11); second ram (11'); first rotating member (e.g. 16,20); second rotating member (e.g., 16,20); third rotating member (e.g., 16',20'); fourth rotating member (e.g 16',20'); off-center positions (15,15'); first drive member (24, coupled via 23 and 20'); second drive member (23); first cutting tool (26); second cutting tool ram set (26').

In regards to claim 22, the first and third rotating members are in a direct drive configuration as seen in the cover figure.

In regards to claims 23 and 24, Yahara has a guide member (5).

For claims 25 and 26, Yahara shows a rotating bearing (27) and a stub shaft (15).

In regards to claims 27 and 55-58, attention is drawn to the cover figure.


4. Claims 17, 22-27 and 55-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Dotta (4,485,713), who discloses first ram 1; second ram 2; first rotating member 9; second rotating member 109; third rotating member 9; fourth rotating member 109; off-center position located at 7 and 8 in figures 1 and 2; rotational axes juxtaposed elements 10 and 9, and juxtaposed elements 110 and 109; first drive member 11'; second drive member 11; first cutting tool 3; second cutting tool 4; cut-off blade and ram set 3, 4; first and third rotating members are in a direct drive configuration as seen in figure 3; guide member 5, 105; rotating bearing located at 7, 8, 107, 108; stub shaft 7; motors are inherently connected to the first and second drive members as indicated at the shafts 11 and 11' that are driving the first and second drive members in figure 3; spur gears in column 2, lines 8-12; eccentric paths in column 2, lines 17-19; first drive member is engaged to the first rotating member and the second drive member is engaged to the second rotating member in column 2, lines 13-15.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kp



**KENNETH E. PETERSON**  
**PRIMARY EXAMINER**